

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KEYA JONES,

Plaintiff,

v.

RED ROCK FERTILITY – DR. EVA
LITTMAN,

Defendants.

Case No. 2:16-cv-02461-APG-VCF

**ORDER ACCEPTING REPORT AND
RECOMMENDATION**

(ECF No. 2)

On October 31, 2016, Magistrate Judge Ferenbach entered a report and recommendation that I dismiss plaintiff Keya Jones' complaint with leave to amend. Jones did not file an objection. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise" (emphasis in original)).

Judge Ferenbach sets forth the proper legal analysis and factual basis for the decision. I will grant Jones leave to file an amended complaint that cures the deficiencies identified in Judge Ferenbach's order if she is able to do so. Pursuant to Federal Rule of Civil Procedure 8(a), Jones's amended complaint must contain the following: (1) "a short and plain statement of the grounds for the court's jurisdiction," (2) a short and plain statement of the claim showing the plaintiff is entitled to relief, and (3) "a demand for the relief sought." Her amended complaint must be complete in itself without reference to any other filing. Additionally, she must sufficiently allege each claim and the involvement of each defendant. Failure to file an amended complaint in response to this order will result in dismissal of this case without prejudice.

1 IT IS THEREFORE ORDERED that Judge Ferenbach's report and recommendation
2 **(ECF No. 23) is accepted** and plaintiff Keya Jones's complaint **(ECF No. 3) is dismissed**.

3 IT IS FURTHER ORDERED that plaintiff Keya Jones must file an amended complaint on
4 or before January 6, 2017. If she does so, the Clerk of the Court is directed NOT to issue
5 summons on the complaint. The Court will issue a screening order on the complaint and address
6 the issuance of summons at the time, if applicable. See 28 U.S.C. 1915(e)(2). Failure to comply
7 with this order will result in dismissal of this action without prejudice.

8 DATED this 6th day of December, 2016.

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11 ANDREW P. GORDON
12 UNITED STATES DISTRICT JUDGE
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